

REMARKS

This Response is responsive to the Office Action mailed December 16, 2005.

In the Office Action, claims 1-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hawkins et al. (U.S. Patent No. 6,343,318 B1) in view of Case et al. (U.S. Patent No. 6,601,098 B1). Reconsideration and withdrawal of these rejections are respectfully requested.

I. Independent claim 1

Independent claim 1 recites:

responsive to the first request for content, sending to the mobile device
an address of the requested content in a reference format;

receiving a second request from the mobile device for the content
subsequent to the first request for content, the second request received from
the mobile device being different from the first request received from the
mobile device, the second request specifying an address of the requested
content and a type of the mobile device;

The primary reference to Hawkins et al. do not teach receiving a second request from the mobile device for the requested content, as acknowledged in the outstanding and previous Office Actions. It falls, therefore, to the secondary reference to teach or to suggest the claimed subject matter. Failing such, the 35 USC §103(a) rejection must be reconsidered and withdrawn.

In this regard, kindly note that the claimed received second request is recited as “specifying an address of the requested content.” Case et al., whether considered singly or in combination with Hawkins et al., do not teach or suggest the claimed subject matter. Indeed, the second request from the client 300 (the GET request (URL abc) 325 – see Case’s Fig. 3B) is NOT a request for the content (the same content that is the subject of the claimed first request – note definite article “the”). Rather, the GET request (URL abc) 325 is a request that is sent by the client subsequent to a redirection by the server 305 and is used solely to obtain the time stamp T2 – see Case et al.,

columns 7 and 8. The GET request (URL abc) 325, which the Office has identified as the second request for content by the mobile device for the content, is NOT a request for the content, but merely a request generated by the client responsive to a status code 302 (page temporarily moved – see column 7, lines 62 to column 8, line 17) sent by the server 305. In Case et al., the content requested by the client is not located at the redirect URL abc. Therefore, the second request by the client in Case et al. is not a request for the content the same content that is the subject of the claimed first request), as required by claim 1. This shortcoming of the secondary reference to teach or to suggest the subject matter acknowledged to be missing from the primary reference constitutes an independent ground for withdrawal of the 35 USC §103(a) rejection of claim 1 and its dependent claims.

Further, kindly note that claim 1 further recites “the second request specifying an address of the requested content and a type of the mobile device.” The second request in Case et al. does not specify an address of the requested content, as required by claim 1, but instead specifies the redirect URL specified by the server 305 (see response (code 302, URL abc) 320 in Fig. 3B. Again, the requested content in Case et al. is only located at URL xyz (not abc), the data from which is only sent to client 300 after the round-trip time ($T_2 - T_1$) is computed by the server 305. This further shortcoming of the secondary reference to teach or to suggest the subject matter acknowledged to be missing from the primary reference constitutes another independent ground for withdrawal of the 35 USC §103(a) rejection of claim 1 and of its dependent claims. Reconsideration and withdrawal of the obviousness rejections of claim 1 and its dependent claims are, therefore, respectfully requested.

II. Independent claim 20

Independent claim 20 recites:

a first proxy server configured to receive a second request from the mobile device for the content, the second request received from the mobile device being different from the first request received from the mobile device, the second request including the address of the requested content in the reference format and a type of the mobile device, to fetch the content at the received address responsive only the second request only, to convert the fetched content from the reference format to a format suitable to the type of mobile device and to deliver the converted content to the mobile device.

Kindly note that claim 20 includes the recitation "a second request from the mobile device for the content" and "the second request including the address of the requested content", as does independent claim 1. Therefore, the arguments advanced relative to claim 1 are equally applicable to independent claim 20. As such the above arguments are incorporated herein by reference as if repeated here in full. Independent claim 20, therefore, is believed to be allowable for the same reasons as is independent claim 1.

Regarding both the rejections of independent claims 1 and 20, it is respectfully submitted that the combination of Hawkins et al. and Case et al. would not teach the claimed embodiments. Rather, a person of ordinary skill in this art in full possession of both references would only be motivated to modify Hawkins et al. by providing Hawkins et al. with the ability to measure the round-trip time (network latency) by using the URL redirect technique taught by Case et al. – which is not a feature that is claimed herein. Missing and wholly unsuggested from such a combination are the methods and computer systems claimed herein, for the reasons advanced above. Reconsideration and withdrawal of the obviousness rejections of claim 20 and its dependent claims are, therefore, respectfully requested.

It is believed that the arguments presented in this Response overcome the outstanding rejections and places this application in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any further questions regarding this Amendment or the application in general, he need only call the undersigned, and whatever is needed will be done immediately.

Respectfully submitted,

Date: Feb 21, 2006

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